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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,779	06/20/2001	Ronald P. Doyle	RSW920010044US1	3682

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Theodore Naccarella  
Synnestvedt & Lechner  
2600 Aramak Tower  
1101 Market Street  
Philadelphia, PA 19107-2950

EXAMINER

TRAN, DALENA

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 07/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/885,779	DOYLE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Dalena Tran	3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 20 June 2001.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-3.
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This application has been examined. Claims 1-21 are pending.
2. The prior art submitted on 6/23/01 and 6/30/01 have been considered.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite, as missing part in second line “of a”. Correction is required.

Also, in the specification, page 13, line 10, “to a”; line 12, “the is”; and line 24, “the is”; also, page 14, line 9, “the and”, all have missing part. Correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-4, 9, and 12, as understood by examiner, are rejected under 35 U.S.C. 102(e) as being anticipated by Bork et al. (6,246,376).

As per claim 1, Bork et al. disclose a method of providing enhanced safety among plurality of hunters hunting in a particular locale, comprising steps: providing a wireless communication system covering locale (see column 1, lines 7-10), providing each hunter with an

electronic device adapted to determine its location, transmit its location information through wireless communication system (see the abstract; columns 1-2, lines 30-3; column 3, lines 48-63; and column 4, lines 28-53), receive location information of other device in locale, determine the location of other devices in locale relative to its own location, and indicate if an unsafe condition exists (see columns 5-6, lines 12-38).

As per claims 2-3, Bork et al. disclose an electronic compass determine orientation of device, combine orientation and location information to determine the distance and direction of other device relative to device, unsafe condition being within a certain distance and direction of device, and compass indicates the direction is pointing (see columns 4-5, lines 54-12; and columns 6-7, lines 39-6).

As per claim 4, Bork et al. disclose providing a peer-to-peer wireless transceiver in each device (see column 2, lines 19-38; and column 3, lines 24-48).

Claim 9 is an apparatus claim corresponding to method claim 1 above. Therefore, it is rejected for the same rationales set forth as above.

As per claim 12, Bork et al. disclose electronic device adapted to determine location comprises GPS receiver (see columns 2-3, lines 39-10).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, and 8, as understood by examiner, are rejected under 35 U.S.C.103(a) as being

unpatentable over Bork et al. (6,246,376) in view of Dymek et al. (6,268,798).

As per claim 5, Dymek et al. disclose providing a central processing device (see columns 1-2, lines 50-8), receiving location information transmitted by devices in locale (see column 3, lines 22-33), generate a report of the location of all devices in locale and transmitting report from central processing device in locale (see columns 3-4, lines 35-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Bork et al. by mention a central processing device receiving location information transmitted by devices in locale, generate a report of the location of all devices in locale and transmitting report from central processing device in locale to keep track of devices and able to retrace the path of individual device in case of emergency.

As per claim 8, Bork et al. disclose providing a hunting ground within each device can operate (see column 6, lines 17-38).

9. Claims 6,15-16, and 21, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Bork et al. (6,246,376), and Dymek et al. (6,268,798) as applied to claims 1 and 5 above, and further in view of Ellis et al. (5,045,839).

As per claim 6, Ellis et al. disclose providing at least one communication base station comprising an antenna and a transceiver for transferring location data and report between devices and central processing device (see columns 2-3, lines 59-26; and column 6, lines 12-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Bork et al. by mention providing at least one communication base station comprising an antenna and a transceiver for transferring location data and report between devices

and central processing device to be able to communicate with an individual in an unsafe condition, and the base station able to initiate timely rescue response without delay.

As per claim 15, Ellis et al. disclose a warning device for indicating unsafe condition (see column 3, lines 27-57; and columns 7-8, lines 53-14).

As per claim 16, Ellis et al. disclose warning device is an audio device for generating an audible signal (see columns 4-5, lines 39-16; column 8, lines 15-45; and column 9, lines 11-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Bork et al., and Dymek et al. by mention warning device is an audio device for easily to locate where the individual is.

As per claim 21, Ellis et al. disclose transmitter transmit location information if apparatus has moved more than a predetermined distance since the last time the apparatus transmitted its location information (see columns 3-4, lines 57-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Bork et al., and Dymek et al. by mention transmitter transmit location information if apparatus has moved more than a predetermined distance since the last time the apparatus transmitted its location information to ensure the device is located within accept communication range.

10. Claims 7, and 17-19, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Bork et al. (6,246,376), Dymek et al. (6,268,798), and Ellis et al. (5,045,839) as applied to claims 5 and 15 above, and further in view of Jacobsen et al. (6,198,394).

As per claim 7, Jacobsen et al. disclose utilizing a third party wireless communication system for transferring location data and report between devices and central processing device

(see column 14, lines 12-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Bork et al., Dymek et al., and Ellis et al. by mention utilizing a third party wireless communication system for transferring location data and report between devices and central processing device for monitoring individual device to accurate determination of immediate care for those who needed.

As per claims 17-18, Jacobsen et al. disclose warning device is an LCD display screen (see column 9, lines 20-49).

As per claim 19, Dymek et al. Disclose a light is illuminated when an unsafe condition is detected (see the abstract; and columns 2-3, lines 64-22).

11. Claims 10-11 are apparatus claims corresponding to method claims 2-3 above.

Therefore, they are rejected for the same rationales set forth as above.

Claims 13,14 are apparatus claims corresponding to method claims 4,6 above. Therefore, they are rejected for the same rationales set forth as above.

### **Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- . Layson, Jr. (5,731,757)
- . Suarez et al. (6,298,306)
- . Fulton (6,377,179)

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30AM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



WILLIAM A. CUCHLINSKI, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

/dt

June 27, 2002